

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ORDER ON MOTION FOR JUDGMENT OF ACQUITTAL (DOC. NO. 449)
AND RENEWED MOTION FOR JUDGMENT OF ACQUITTAL AND
IN THE ALTERNATIVE FOR A NEW TRIAL (DOC. NO. 495)

August 13, 2018

SOROKIN, J.

Defendant Ross McLellan moved for judgment of acquittal at the close of the government’s case-in-chief, Doc. No. 449, and the Court held his motion under advisement at that time. After his conviction on five of the six charges against him, McLellan renewed his motion for judgment of acquittal pursuant to Rule 29 and, in the alternative, sought a new trial pursuant to Rule 33. Doc. No. 495 (invoking Fed. R. Crim. P. 29(c) and 33). The government has opposed McLellan’s requests, Doc. No. 501, McLellan has replied, Doc. No. 504, and both parties have made supplemental filings regarding a recent decision from another jurisdiction bearing on one of McLellan’s claims, Doc. Nos. 505, 506-1.

The Court has considered all pertinent submissions and reviewed all relevant previously filed motions and memoranda and prior rulings thereon, and it has done so in light of the relevant pretrial and trial proceedings over which it presided and during which McLellan's legal challenges were raised and addressed on numerous occasions. Nothing in McLellan's motion papers raises any novel point of fact or law beyond those the Court considered in initially

rejecting the challenges McLellan reiterates now. As such, the Court perceives no justification for second-guessing or revising its original rulings denying McLellan's various pretrial motions challenging the charges against him and declining to instruct the jury in the manner he proposed as to certain issues.

Accordingly, McLellan's motions for judgment of acquittal and, in the alternative, for a new trial (Doc. Nos. 449 and 495) are DENIED.¹

SO ORDERED.

/s/ Leo T. Sorokin
Leo T. Sorokin
United States District Judge

¹ The Court has considered and denied McLellan's motions under the legal standards applicable to requests made pursuant to Rules 29 and 33.